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Attorneys for Home Depot U.S.A., Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARC JACKSON, as an individual
and on behalf of all others similarly
situated,

Plaintiff,

vs.

U.S. REMODELERS, INC., dba
HOME DEPOT INTERIORS, a
Delaware Corporation; U.S.
REMODELERS, INC. dba U.S.
HOME SERVICES, an
unincorporated association; THE
HOME DEPOT, INC., a Delaware
Corporation; HOME DEPOT U.S.A.,
INC., a Delaware Corporation;
CRAIG A. MENEAR, an individual;
and DOES 1 to 100, inclusive,

Defendants.

Case No.: 2:19-cv-01163-CJC-JEM

DECLARATION OF WILLIAM J.
EDELMAN IN SUPPORT OF
MOTION TO COMPEL
ARBITRATION AND TO STAY
PROCEEDINGS

[Notice of Motion and Motion,
Declaration of Marla Bures and
Proposed Order filed concurrently]

Date: April 1, 2019

Time: 1:30 p.m.

Crtm: 7C

Judge: Hon. Cormac J. Carney

Date Action Filed: January 10, 2019
Date Action Removed: February 14,
2019

1 DECLARATION OF WILLIAM J. EDELMAN

2 I, William J. Edelman, certify and declare as follows:

3 1. I am a counsel at the law firm of Akin Gump Strauss Hauer & Feld LLP,
4 and counsel of record for defendant Home Depot U.S.A., Inc. ("Home Depot") in this
5 action. I make this declaration based on my own personal knowledge, and if called as a
6 witness, could and would testify competently to the facts stated herein. I submit this
7 declaration in support of Defendant's Motion to Compel Arbitration and to Stay
8 Proceedings.

9 2. On January 10, 2019, Marc Jackson filed this action in state court asserting
10 ten causes of action under California law. The plaintiff's central claim is that Home
11 Depot misclassified him and other employees as exempt employees and consequently
12 failed to pay overtime wages, provide proper meal and rest breaks, issue accurate wage
13 statements, and maintain proper timekeeping records.

14 3. Plaintiff served Home Depot with the complaint on January 15, 2019. On
15 February 14, 2019, Home Depot removed the action to this Court. There have been no
16 other pleadings or motion practice in this action.

17 4. No discovery has been propounded by any party in this action nor any
18 disclosures made or documents informally exchanged except in connection with the
19 meet and confer efforts regarding Home Depot's motion to compel arbitration discussed
20 below.

21 5. On February 14, 2019, I sent an email to Jackson's counsel enclosing the
22 arbitration agreement and a copy of the court's Order compelling arbitration based on an
23 identical arbitration agreement in *Rogers v. THD At-Home Services, Inc.*, No. 5:14-cv-
24 02069-JGB-SP (C.D. Cal.) requesting that Jackson arbitrate his individual claims, and
25 informing plaintiff's counsel that Home Depot intended to move to compel arbitration if
26 plaintiff would not voluntarily agree to arbitrate the claims. I sent a follow-up email to
27 plaintiff's counsel on February 19, 2019.

